

JS 44C/SDNY  
REV. 5/2010

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

## DEFENDANTS

Hiram Torres

Detective JAMES BARRY, et al.

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

## ATTORNEYS (IF KNOWN)

Harvis Wright &amp; Fett LLP, 305 Broadway, 14th Floor, New York, NY 10007 - (212) 323-6880

Office of the Corporation Counsel, 100 Church Street, New York, NY 10007

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

42 U.S.C. § 1983

Has this or a similar case been previously filed in SDNY at any time? No?  Yes?  Judge Previously AssignedIf yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

## (PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

## ACTIONS UNDER STATUTES

	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>APPEAL</b>	<b>STATE REAPPORTIONMENT</b>
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 362 PERSONAL INJURY - MED MALPRACTICE	[ ] 610 AGRICULTURE [ ] 620 OTHER FOOD & DRUG	[ ] 410 ANTITRUST [ ] 430 BANKS & BANKING
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT LIABILITY	[ ] 365 PERSONAL INJURY PRODUCT LIABILITY	[ ] 625 DRUG RELATED PROPERTY	[ ] 450 COMMERCE [ ] 460 DEPORTATION
[ ] 130 MILLER ACT	[ ] 320 ASSAULT, LIBEL & SLANDER	[ ] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[ ] 630 LIQUOR LAWS [ ] 640 RR & TRUCK [ ] 650 AIRLINE REGS [ ] 660 OCCUPATIONAL SAFETY/HEALTH	[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT [ ] 480 CONSUMER CREDIT [ ] 490 CABLE/SATELLITE TV
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	[ ] 388 PERSONAL PROPERTY	[ ] 690 OTHER	[ ] 810 SELECTIVE SERVICE [ ] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 340 MARINE LIABILITY	[ ] 370 OTHER FRAUD	<b>PROPERTY RIGHTS</b>	[ ] 480 CONSUMER CREDIT [ ] 490 CABLE/SATELLITE TV
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT LIABILITY	[ ] 371 TRUTH IN LENDING	[ ] 820 COPYRIGHTS	[ ] 810 SELECTIVE SERVICE [ ] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[ ] 152 RECOVERY OF DEFANTED STUDENT LOANS (EXCL VETERANS)	[ ] 350 MOTOR VEHICLE	[ ] 380 OTHER PERSONAL PROPERTY DAMAGE	[ ] 830 PATENT	[ ] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 355 MOTOR VEHICLE PRODUCT LIABILITY	[ ] 385 PROPERTY DAMAGE	[ ] 840 TRADEMARK	[ ] 875 CUSTOMER CHALLENGE [ ] 890 OTHER STATUTORY ACTIONS
[ ] 160 STOCKHOLDERS SUITS	[ ] 360 OTHER PERSONAL INJURY	[ ] 386 PRODUCT LIABILITY	[ ] 861 HIA (1395f) [ ] 862 BLACK LUNG (923) [ ] 863 DIWC/DIWV (405(g)) [ ] 864 SSID TITLE XVI [ ] 865 RSI (405(g))	[ ] 875 CUSTOMER CHALLENGE [ ] 890 OTHER STATUTORY ACTIONS
[ ] 190 OTHER CONTRACT LIABILITY	<b>ACTIONS UNDER STATUTES</b>	[ ] 710 FAIR LABOR STANDARDS ACT	<b>SOCIAL SECURITY</b>	[ ] 891 AGRICULTURAL ACTS [ ] 892 ECONOMIC STABILIZATION ACT
[ ] 195 CONTRACT PRODUCT LIABILITY	<b>CIVIL RIGHTS</b>	[ ] 720 LABOR/MGMT RELATIONS	[ ] 861 HIA (1395f) [ ] 862 BLACK LUNG (923) [ ] 863 DIWC/DIWV (405(g)) [ ] 864 SSID TITLE XVI [ ] 865 RSI (405(g))	[ ] 893 ENVIRONMENTAL MATTERS [ ] 894 ENERGY ALLOCATION ACT
[ ] 196 FRANCHISE	<b>PRISONER PETITIONS</b>	[ ] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT	<b>FEDERAL TAX SUITS</b>	[ ] 895 FREEDOM OF INFORMATION ACT
<b>REAL PROPERTY</b>		[ ] 740 RAILWAY LABOR ACT	[ ] 870 TAXES (U.S. Plaintiff or Defendant)	[ ] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
		[ ] 790 OTHER LABOR LITIGATION	[ ] 871 IRS-THIRD PARTY 26 USC 7609	[ ] 950 CONSTITUTIONALITY OF STATE STATUTES
		[ ] 791 EMPL RET INC SECURITY ACT		
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING	[ ] 510 MOTIONS TO VACATE SENTENCE	<b>IMMIGRATION</b>	
[ ] 220 FORECLOSURE	[ ] 442 EMPLOYMENT	20 USC 2255		
[ ] 230 RENT LEASE & EJECTMENT	[ ] 443 HOUSING/ ACCOMMODATIONS	[ ] 530 HABEAS CORPUS	[ ] 462 NATURALIZATION APPLICATION	
[ ] 240 TORTS TO LAND	[ ] 444 WELFARE	[ ] 535 DEATH PENALTY		
[ ] 245 TORT PRODUCT LIABILITY	[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[ ] 540 MANDAMUS & OTHER	[ ] 463 HABEAS CORPUS- ALIEN DETAINEE	
[ ] 290 ALL OTHER REAL PROPERTY	[ ] 446 AMERICANS WITH DISABILITIES - OTHER	[ ] 550 CIVIL RIGHTS	[ ] 465 OTHER IMMIGRATION ACTIONS	
	X] 440 OTHER CIVIL RIGHTS	[ ] 555 PRISON CONDITION		

Check if demanded in complaint:

 CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN X IN ONE BOX ONLY)

**ORIGIN**

1 Original Proceeding       2a. Removed from State Court       3 Remanded from Appellate Court       4 Reinstated or Reopened       5 Transferred from (Specify District)       6 Multidistrict Litigation       7 Appeal to District Judge from Magistrate Judge Judgment  
 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN X IN ONE BOX ONLY)

**BASIS OF JURISDICTION**

1 U.S. PLAINTIFF     2 U.S. DEFENDANT     3 FEDERAL QUESTION     4 DIVERSITY (U.S. NOT A PARTY)

**IF DIVERSITY, INDICATE CITIZENSHIP BELOW.  
(28 USC 1322, 1441)****CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	[ ] 1	PTF	DEF	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[ ] 3	PTF	DEF	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[ ] 5	PTF	DEF
CITIZEN OF ANOTHER STATE	[ ] 2	[ ] 2		INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4	[ ] 4		FOREIGN NATION	[ ] 6	[ ] 6	

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)**

305 Broadway, 14th Floor, New York, NY 10007

**DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)**

One Police Plaza, New York, NY 10038

**DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS     MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION.)

DATE 4/21/2013 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO  
 YES (DATE ADMITTED Mo. 04 Yr. 2007)  
 Attorney Bar Code #GH2772

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)